COVID-19 Staff Vaccination

Personnel

The Board of Education's highest priority is ensuring the health and safety of the District's students and their families, the District's employees and their families, and our greater community. Pursuant to this obligation and Connecticut Governor Ned Lamont's September 10, 2021 Executive Order # 13G, the Board mandates that all District employees who perform work within the District's schools be vaccinated against COVID-19 unless otherwise exempt as set forth in this policy.

Definitions

For the purposes of this policy, the following definitions apply:

"Fully vaccinated" means at least 14 days have elapsed since a person has received the final dose of a vaccine approved for use against COVID-19 by the U.S. Food and Drug Administration, or as otherwise defined by the Centers for Disease Control.

"District employee" refers to all Regional School District No. 7 Public Schools' employees, both full and part-time, including substitutes and student teachers. This definition applies to all District staff regardless of the amount of student contact time a particular staff member may have. This definition does not apply to District volunteers.

Mandatory COVID-19 Vaccination

1. Prospective District Employees Hired On or After September 27, 2021

On or after September 27, 2021, the District shall offer employment only to individuals who are fully vaccinated. The exceptions to this rule are as follows:

(1) The candidate has received the first dose and has either received a second dose (and less than 14 days have elapsed) or has an appointment for the second dose in a two-dose series vaccination, such as Pfizer or Moderna vaccines, or has received a single-dose vaccine, such as Johnson & Johnson's Janssen vaccine (and less than 14 days have elapsed) and he/she undergoes weekly COVID-19 testing and submits such results to the District until such time as the he/she is fully vaccinated; or

(2) The candidate is exempt from the vaccination requirement because the vaccine is likely to be detrimental to the individual's health or the person is exempt due to a sincerely held religious belief and he/she undergoes weekly

COVID-19 testing and submits such results to the District and he/she is able to perform the essential functions of his/her job with a reasonable accommodation that is not an undue burden to the Board.

It shall be the responsibility of the candidate to provide proof of vaccination or to obtain and provide documents in support of his or her entitlement to any exemption. Decisions regarding exemptions shall be determined on a case-by-case basis.

The failure to meet any of these conditions will result in the candidate not being offered a position of employment.

The Regional School District No. 7 Public Schools shall not pay for the costs associated with weekly COVID-19 testing.

2. Existing District Employees and Those Hired Prior to September 27, 2021

On or after September 27, 2021, all non-exempt employees must be fully vaccinated against COVID-19 in order to maintain employment with the Regional School District No. 7 Public Schools unless:

(1) The employee has received the first dose and has either received a second dose (and less than 14 days have elapsed) or has an appointment for the second dose in a two-dose series vaccination, such as Pfizer or Moderna vaccines, or has received a single-dose vaccine, such as Johnson & Johnson's Janssen vaccine (and less than 14 days have elapsed), **and** undergoes weekly COVID-19 testing and submits such results to the District; or

(2) The employee is exempt from the vaccination requirement because the vaccine is likely to be detrimental to the individual's health or the person is exempt due to a sincerely held religious belief and the employee undergoes weekly COVID-19 testing and submits such results to the District and the employee is able to perform the essential functions of his/her job with a reasonable accommodation that is not an undue burden to the Board; or

(3) The employee undergoes weekly COVID-19 testing and submits such results to the District.

It shall be each employee's responsibility to provide proof of vaccination or to obtain and present documents in support of his or her entitlement to any exemption. Decisions regarding exemptions shall be determined on a case-by-case basis.

Employees who fail to comply with the above provisions will not be permitted to report to work or to enter into any school building or District facility. In addition, failure to produce proof of vaccination or weekly testing results will render employees ineligible for continued employment.

The Regional School District No. 7 Public Schools shall not pay for the costs associated with weekly COVID-19 testing.

Acceptable Proof of Vaccination

Employees may demonstrate proof of vaccination by providing one of the following:

1. A CDC COVID-19 Vaccination Record Card or photo of the Vaccination Record Card;

2. Documentation from a health care provider or electronic health care records; or

3. State Immunization Information Record, or

4. Other documentation prescribed by the Connecticut Commissioner of Public Health.

Personal attestation will not be accepted as an acceptable form of proof of a COVID vaccination.

Exemptions to COVID-19 Vaccination Requirement

1. Medical/Disability

District employees seeking to be excused from receiving the COVID-19 vaccination due to medical restrictions and/or a disability must submit a request in writing to the Superintendent or his or her designee, along with any supporting documentation as may be requested by the Administration. Such supporting documentation shall include a statement from a physician, physician's assistant or advanced practice registered nurse indicating that the administration of the COVID-19 vaccination is likely to be detrimental to the District employee's health.

The Superintendent or his or her designee shall engage in discussion with the employee and make an individualized assessment as to whether the employee (if unvaccinated) will expose others to the virus or otherwise pose a direct threat to safety and health of the school community, based upon the following considerations:

- the duration of the exposure to others;
- the nature and severity of the potential harm from exposure;
- the likelihood that this potential harm will occur; and
- the imminence of this potential harm.

If the Superintendent determines that the unvaccinated employee poses such a direct threat to the school community, the Superintendent will consider whether there are reasonable accommodations or mitigation efforts (absent undue hardship) that would eliminate or reduce the risk such that the unvaccinated employee will not pose a direct threat to others. Such measures may include but not be limited to greater isolation/social distancing and the use of enhanced personnel protective equipment, (for example, face shields worn in addition to masks), provided that they do not constitute an undue hardship to the District.

If the unvaccinated employee poses a direct threat that cannot be reduced to an acceptable level, the Superintendent may exclude the employee from physically entering any District schools or facilities. Such an employee may take, or be required to take, available leave pursuant to the terms of: 1. Any applicable collective bargaining agreement or individual contract of employment; 2. Any applicable Board policies, or; 3. Any applicable state or federal statutory provision such as the Americans with Disabilities Act ("ADA") or the Family and Medical Leave Act ("FMLA").

In making the above-described determinations, the Superintendent shall consult with local health authorities, and may consider the following factors, amongst others: 1. The general community (and workplace) spread of the virus; 2. The nature of the employee's worksite, including the risk of exposing students, fellow District employees or other school community members to the virus; 3. The prevalence in the workplace of District employees who have already received a COVID-19 vaccination and the amount of contact with third parties, whose vaccination status may be unknown, and; 4. The availability and likely effectiveness of preventative measures.

2. Religious Practice or Belief

District employees who assert that they are unable to receive a COVID-19 vaccination because of a sincerely held religious practice or belief, must submit a request in writing to the Superintendent, along with any supporting documentation as may be requested by the Administration.

The Superintendent or his or her designee shall engage in discussion with the employee and make an individualized assessment as to whether the employee (if unvaccinated) will expose others to the virus and thus pose a direct to the safety and health of the school community, based upon the factors described above.

If the Superintendent determines that the unvaccinated employee poses a direct threat to the school community, the Superintendent will consider whether there are reasonable accommodations or mitigation efforts (absent undue hardship, i.e., more than a *de minimis* cost or burden on the District) that would eliminate or reduce this risk so that the unvaccinated employee does not pose a direct threat to others. Such measures may include but are not limited to include greater isolation/social distancing and use of enhanced personnel protective equipment (for example, face shields in addition to masks), provided they do not impose an undue hardship on the District.

If the unvaccinated employee poses a direct threat that cannot be reduced to an acceptable level, the Superintendent may exclude the employee from physically entering the worksite. Such an employee may take, or be required to take, available leave pursuant to the terms of: 1. Any applicable collective bargaining agreement or individual contract of employment; 2. Any applicable Board policies, or; 3. Any applicable state or federal statutory provisions.

In making the above-described determinations, the Superintendent shall consult with local health authorities, and may consider the following factors, amongst others: 1. The general community (and workplace) spread of the virus; 2. The nature of the employee's worksite, including the risk of exposing students, fellow District employees or other school community members to the virus; 3. The prevalence in the workplace of District employees who have already received a COVID-

19 vaccination and the amount of contact with third parties, whose vaccination status may be unknown, and; 4. The availability and likely effectiveness of preventative measures.

3. Weekly Testing

District employees who are not fully vaccinated by September 27, 2021, must obtain weekly testing for COVID-19 and present the results of such tests to the District. This requirement applies to District employees who are exempt from vaccination pursuant to the disability and religious practice or belief exemptions described above as well as any other District employees who were hired prior to September 27, 2021 and who are not fully vaccinated by September 27, 2021. **Pursuant to Executive Order 13G, employees hired on or after September 27, 2021 do not have a COVID-19 testing option unless they apply for and are approved for an exemption or have received the first dose of the vaccine but are not yet fully vaccinated**.

The procedures for submission of testing results shall be determined by the Superintendent or his or her designee. It shall be the responsibility of the District employee to obtain such testing at his or her cost. Employees are expected to obtain such testing outside of regular working hours. The Regional School District No. 7 Public Schools shall not pay for the costs associated with weekly COVID-19 testing.

Compliance and Discipline

District employees who fail to comply with the above provisions will not be permitted to report to work or to enter into any school building or District facility. In addition, failure to produce proof of vaccination or weekly testing results will render Regional School District No. 7 Public School employees ineligible for continued employment with the District. Accordingly, such employees may be subject to discipline, up to and including termination of employment. Any District employee who knowingly provides false or misleading information to the District regarding his or her vaccination status, eligibility or qualification to receive the vaccine, and/or in connection with a request for a reasonable accommodation, will be subject to discipline, up to and including termination of employment.

Confidentiality of Medical Information

District employee vaccination information, weekly testing results and other medical information will be kept confidential as required by law. The District will maintain the confidentiality of such information to the most reasonable extent possible, in compliance with applicable laws and regulations, including but not limited to the Americans with Disabilities Act and Title VII of the Civil Rights Act, as may be applicable. If necessary, medical information may be shared in limited circumstances and subject to appropriate controls to those persons who have a legitimate need to know including but not limited to District administration, first aid and safety personnel, and government officials, as required by law or other relevant guidance.

SCHOOL DISTRICT CONTRACTORS

Vaccination: On and after September 27, 2021, contractors must 1) authenticate the vaccination status of its contract workers, 2) maintain documentation of vaccination or exemption of such contract workers, and 3) provide such documentation upon request and report compliance to the District on September 28, 2021 and thereafter upon request in a form and manner directed by the Department of Public Health.

Testing: On and after September 27, 2021, contractors must 1) implement a policy that requires their contract workers who have not demonstrated proof of full vaccination to submit to COVID-19 testing not less than once per week on an ongoing basis until fully vaccinated and 2) provide adequate proof of the results of the testing on a weekly basis to the District, in a form and manner prescribed by the Department of Public Health. The Department of Public Health may promulgate a policy and procedures for limited-duration waivers of the testing requirements contained herein.

LEGAL REFERENCES

Governor Lamont's Executive Order #13G, dated September 10, 2021

Frequently Asked Questions Regarding Vaccinations for Covered Workers in Schools, Connecticut State Department of Education Guidance dated August 25, 2021

Jacobson v. Massachusetts, 197 U.S. 11 (1905)

What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws, Equal Employment Opportunity Commission (December 16, 2020)

42 U.S.C. 2000ff, Genetic Information Nondiscrimination Act of 2008
42 U.S.C. 2000e, *et seq*., Title VII of the Civil Rights Act of 1964, as amended
42 U.S.C. 12101, *et seq*., Americans with Disabilities Act of 1990, as amended

Cf. Connecticut General Statutes §10-210
Cf. Connecticut General Statutes §10-204a

Policy Adopted: September 23, 2021